

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

NO. 2:15-MD-02641-DGC

**MOTION TO SUBSTITUTE
PARTY-PLAINTIFF**

This Document Relates To:
John R. Levendoski v. C. R. Bard Inc., et al.,
Civil Action No. 2:19-cv-03986-DGC

Pursuant to Fed. R. Civ. P. 25(a)(1), the undersigned counsel respectfully moves this Court for an Order substituting Cinder Urban, the court-appointed Personal Representative of the Estate of John Levendoski, as the Party-Plaintiff. Movant shows unto the Court as follows:

1. Plaintiff John Levendoski initiated this products liability action via direct filing into MDL 2641 on May 30, 2019, prior to his death.
2. John Levendoski passed away on November 14, 2019. A redacted copy of Decedent's Certificate of Death is attached hereto as ***Exhibit 1***.
3. A Notice of Suggestion of Death was previously filed in this matter on March 9, 2020 (*see* Docket No. 21464, also attached hereto as ***Exhibit 2***).

- 1 4. On December 19, 2019, the Decedent's adult daughter, Cinder Urban, was duly
2 appointed by the Probate Court for Chaves County, New Mexico as Personal
3 Representative of the Estate of John Levendoski. A copy of the Letters of
4 Administration is attached hereto as ***Exhibit 3***.
- 5 5. Cinder Urban's claims on behalf of her father John Levendoski's Estate survive
6 Decedent's death, and the successor personal representative, Cinder Urban, is entitled
7 to continue her father's causes of action for the benefit of the beneficiaries of the Estate.
8 Federal Rule of Civil Procedure 25(a)(1) states that if a party dies and the claim is not
9 extinguished due to the death, the Court may order the substitution of parties.
- 10 6. Personal Representative Cinder Urban is the Proper Party-Plaintiff and wishes to be
11 substituted on behalf of John Levendoski in this case.
- 12 7. WHEREFORE, Cinder Urban, the Personal Representative of the Estate of John
13 Levendoski, hereby respectfully requests that this Court enter an Order substituting her
14 as the Party-Plaintiff in this Action. A proposed Order is attached hereto as ***Exhibit 4***.

15
16 Dated: March 13, 2020.

17 **JAMES, VERNON & WEEKS, P.A.**

18 By: /s/Wes S. Larsen

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March, 2020, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/Wes S. Larsen